

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JEREMY LEE CONLIN,

Plaintiff,

v.

THOMAS A. DAVIS, JR., ET AL.,

Defendants.

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CIVIL ACTION No. H-06-3305

ORDER


Plaintiff's motion for new trial under Rule 60(b) (Docket Entry No. 7) is **DENIED**. Plaintiff filed this complaint under 42 U.S.C. § 1983 complaining that, because of his inmate status, he was denied access to certain information under the Texas Open Records Act. At the top of the complaint, plaintiff wrote "Related to #H 06 1817 Can be Separate from [#H 06 1817]." (Docket Entry No. 1, p. 1.) No explanatory cover letter was sent with the complaint, and plaintiff did not identify the pleading as an amended or supplemental complaint in C.A. No. H-cv-1817. Plaintiff's argument that his pleading clearly was intended as a supplemental or amended complaint under C.A. No. H-cv-1817 is refuted by this handwritten notation. Nor were his claims in the instant lawsuit subject to proper joinder with the claims he raised in C.A. No. H-cv-1817. Accordingly, this complaint was docketed properly and dismissed as a separate lawsuit under 42 U.S.C. § 1983.

To the extent that plaintiff moves for a new trial under Rule 59 of the Federal Rules of Civil Procedure, the motion is denied for the reasons set forth in the Court's memorandum opinion and order dismissing this lawsuit for failure to state a claim.

Plaintiff's motion for a new trial (Docket Entry No. 7) is **DENIED**.

The Clerk will provide copies of this order to the parties.

Signed at Houston, Texas, on November 13, 2006.



Gray H. Miller
United States District Judge